

# Pressure Mounts for Immediate Action on Climate Change



Romany Webb



June 30, 2015

Climate change is often described as a global problem requiring a global solution. The greenhouse gas emissions that cause climate change do not originate from any one country or region, but rather are emitted globally. Given this, many have argued that the most effective way to address climate change is through an international agreement requiring all countries to reduce their greenhouse gas emissions. Later this year, representatives from 196 countries will meet in Paris, France to negotiate a [new climate agreement](#), providing for the reduction of emissions. The negotiations will build on past agreements, including the 1996 [Kyoto Protocol](#), which required developed countries to limit emissions of four greenhouse gases (i.e., carbon dioxide, methane, nitrous oxide, and sulphur hexafluoride).

The Kyoto Protocol and other past international agreements delivered only modest emissions reductions. To date, most national governments have refused to go beyond their international obligations to further reduce emissions, at least until other countries agree to do the same. They claim that, without such agreement, emissions reductions in any one country are unlikely to have a significant impact on climate outcomes. Arguably however, even small reductions may be useful to slow the pace of climate change. Recognizing this, several recent court decisions have sought to encourage governments to reduce emissions, even before a new international agreement is reached.

Just last week, a court in the State of Washington ordered state policy-makers to reconsider a petition for regulation of carbon dioxide emissions. The petition was filed last year by eight children, aged 11 to 15, who assert they will be the “future victims” of climate change. The petitioners argued that they face increasing risk of harm due to higher temperatures and other climate disruptions. Seeking to lessen this risk, the petitioners requested that the Washington Department of Ecology promulgate rules limiting carbon dioxide emissions, with the aim of reducing emissions by 80 percent below 1990 levels by 2050.

The Department of Ecology denied the petition, without explanation, in August 2014. On appeal by the petitioners, the King County Superior Court ordered the Department to reconsider limits on greenhouse gas emissions, based on the best available science. The court emphasized the need for prompt action, citing the historic “lack of political will to respond adequately to the urgent and dire acceleration of global warming.” According to the court, “Washington State’s existing statutory limits should be adjusted to better reflect the current science. The limits need to be more aggressive in order for Washington to do its part to address climate risks.”

These types of court orders, requiring an agency to reconsider a petition based on the best available data, are not uncommon. The Washington decision is, nevertheless, significant as it marks the first time a U.S. court has ordered an agency to consider climate science when regulating carbon dioxide emissions. Overseas, the courts have gone even further.

One day after the Washington decision, on June 24, a landmark ruling was handed down in the Netherlands. The Hague District Court ruled that the national government has a “duty of care” to ensure the “livability of the country and the protection and improvement of the living environment.” The court held that, given this duty of care, the government must take steps to protect its citizens from the adverse effects of climate change. Current government efforts to reduce greenhouse gas emissions (by 14 to 17 percent below 1990 levels by 2020) were found to be inadequate to address the severe threat posed by climate change. To address this threat, the government must reduce emissions by at least 25 percent below 1990 levels by 2020.

The Dutch ruling is important for several reasons. It marks the first time any court anywhere in the world has ordered a government to reduce emissions. The court found, for the first time, that the government has an obligation to reduce emissions under human rights and tort law. This obligation is independent of any domestic statute or international agreement.

Perhaps even more significantly, the Dutch ruling indicates that states cannot simply wait for global action on climate change. The ruling, like the earlier Washington decision, highlights the need for immediate action at the national level. According to the court, the government “should not hide behind the argument that the solution to the global climate problem does not depend solely on [national] efforts.” Instead of waiting for a global solution, the government “should take the lead” because “[a]ny reduction of emissions contributes to the prevention of dangerous climate change.”

The Dutch ruling is expected to have major impacts around the world. It could lay the foundation for similar litigation, to force regulation of greenhouse gas emissions, in other countries. One such action is already underway in Belgium and a second has been announced in Norway. Depending on the results of those actions, many more could follow.

[carbon dioxide](#)

[greenhouse gas emissions](#)

[climate change](#)

[international agreement](#)

[COP21](#)

[Kyoto Protocol](#)

[court cases](#)

[Netherlands](#)

[greenhouse gas](#)

[Washington](#)

## Leave a Reply

Your email address will not be published. Required fields are marked \*

Name \*

Email \*

Website

Comment

POST COMMENT

*The KBH Energy Center blog is a forum for faculty at The University of Texas at Austin, leading practitioners, lawmakers and other experts to contribute to the discussion of vital law and policy debates in the areas of energy, environmental law, and international arbitration. Blog posts reflect the opinions of the authors and not of The University of Texas at Austin or the KBH Energy Center.*

## Popular Tags

- Texas (57)
- water (48)
- energy (24)
- fracking (17)
- drought (17)
- natural gas (15)
- endangered species (12)
- climate change (12)
- oil and gas (12)
- groundwater (9)
- epa (9)
- court cases (8)
- Clean Air Act (7)
- pollution (6)
- coal (6)